REMARKS

In the Office Action mailed April 9, 2007 the Examiner noted that claims 1-10 and 12-24 were pending, that claim 24 has been withdrawn from consideration, and rejected claims 1-10 and 12-23. No claims have been amended, no claims have been canceled or withdrawn, no new claims have been added and, thus, in view of the forgoing claims 1-10 and 12-24 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

ELECTION/RESTRICTIONS

In the Office Action the Examiner states that the Applicant has constructively elected to an apparatus, method and computer program for group purchases and withdraws claim 24 from consideration as the Examiner asserts that the claim has separate utility. In particular, the Examiner states that "receiving a **registration request** from a plurality of users associated with a **group purchasing request** and issuing unique user identification information to the plurality of users, corresponding to the **group purchasing request**, in response to the registration request" has separate utility. (Emphasis added) The Applicant respectfully traverses the restriction. The Examiner is directed to claim 14 which recites "receiving a **group purchasing application request** for a product from a user terminal." (Emphasis added) A group purchasing application request as in claim 14 is analogous to a registration request associated with a group purchasing request as in claim 24. Therefore, claim 24 is an obvious variant of claim 14.

Furthermore, restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search. MPEP § 806.05(d)(B). The Examiner admits at page 3 of the Office Action that the claim 24 is drawn to the same class, subclass and statutory type (process-method) which provide the same function (purchasing service).

Reconsideration of the Examiner's restriction and withdrawal thereof is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 1-10 and 12-23 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Examiner asserts that the claims comprise solely a computer program. Claim 1 from which all the other rejected claims depend has been amended to include a computer. The claims are therefore directed to statutory subject matter.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-6, 9, 12-18 and 20-23 stand rejected under 35 U.S.C. § 103(a) as obvious over Niki, U.S. Patent Pub. No. 2002/0037357 in view of Morrisroe, U.S. Patent Pub. No. 2003/0229542. Niki discusses a system and method whereby a bulk purchase is made for a group by a group leader and then individual members of the group pay for the item. Morrisroe discusses a system and method for providing an advertisement that dynamically changes. In contrast the present claims are to a system or method to purchase items at a group rate by urging users to belong to a group.

On page 6 of the Office Action, the Examiner states that the combination of Niki and Morrisroe teaches "a product purchasing execution unit that executes, upon receiving a purchasing procedure request for a product from the user terminal with the user identification information issued, a product purchasing procedure for a user who made the purchasing procedure request, and sets the user as an object user for the group purchasing processing corresponding to the user identification information," as in claim 1. The Applicant respectfully disagrees and traverses the rejection with an argument. The Examiner asserts that Niki, paragraphs 0030, 0037, 0041-0042, 0135, Fig. 10 teach "sets the user as an object user for the group purchasing processing corresponding to the user identification information." Niki does not disclose that the user is set as an object user. Paragraphs 0042-0043 of Niki states:

> When receiving the request, the bulk purchase group management server 1 give the leader of the bulk purchase group a group/customer ID, which is a given ID of the present invention, for identifying the group and the purchasers (customers) belonging to the group (II).

> The leader of the bulk purchase group informs each bulk purchase group member of the customer ID given to the purchasers of the bulk purchase

Thus, paragraph 0042 discusses that a group ID is created. It does not state that a representative customer "object user" creates a group. In Niki the leader creates the group and initiates the purchase for the group. There is no such analogous group purchase in the present claims. In the present claims, the "object user" urges others to join the group, not complete the purchase of something already ordered by the group leader.

The Examiner does not assert and the Applicant has not found that Morrisroe teaches such a feature. Therefore, the combination of Niki and Morrisroe fail to teach or suggest "sets the user as an object user for the group purchasing processing corresponding to the user

identification information," as in claim 1 or "setting the user as an object user for the group purchasing processing corresponding to the user identification information," as in claims 14 and 20.

The Examiner at page 7 of the Office Action asserts that the combination of Niki and Morrisroe teaches "a message transmitting unit that transmits, upon the apparatus receiving an access from a user terminal of the users with user identification information which coincides with the user identification information stored in the identification information storing unit, a message to urge the users to carry out the group purchasing," as in claim 1. The Applicant respectfully disagrees and traverses the rejection with an argument. In particular the Examiner asserts that Niki paragraphs 0041-0045, 0056-005 and Fig. 9 teach "message to urge the users to carry out the group purchasing." As discussed above, in Niki the order has already been placed by the group leader, other members of the group simply pay for the item already ordered. See paragraph 0138 wherein the leader is described as the "purchaser." Therefore in Niki the users are not being urged to carry out the group purchasing, they are being notified that they need to pay for the item ordered by the group leader.

The Examiner does not assert and the Applicant has not found that Morrisroe teaches such a feature. Therefore, the combination of Niki and Morrisroe fail to teach or suggest "message to urge the users to carry out the group purchasing," as in claim 1, 14 and 20.

For at least the reasons stated above, Niki and Morrisroe taken separately or in combination, fail to teach or suggest the elements of claims 1, 14, or 20 and the claims dependent therefrom.

As to dependent claim 2, on page 9 of the Office Action the Examiner asserts that the combination of Niki and Morrisroe teaches "upon receiving a group purchasing procedure request for a different kind of product based on the group purchasing with the user identification information from the user terminal, the product purchasing procedure for a user who made the group purchasing procedure request." The Applicant respectfully disagrees and traverses the rejection with an argument. In particular the Examiner asserts this feature is taught by Niki paragraphs 0068, 0138-0140 and Fig. 11. The cited paragraphs merely discuss discount information about products (See p. 0068) and that they may be purchased by the leader (See p. 00138-0140). In the present claims not just the leader can make a purchase request, therefore Niki does not teach or suggest that the request is made by a user. The Examiner does not assert and the Applicant has not found that Morrisroe teaches such a feature. Therefore, the combination of Niki and Morrisroe fail to teach or suggest the features of claim 2.

As to dependent claim 6, on pages 9 and 10 of the Office Action, the Examiner asserts that the combination of Niki and Morrisroe teaches "a discount amount calculating unit that calculates, after the product purchasing execution unit completes execution of the product purchasing procedure for each user, a discount amount for a product to be paid back to the user corresponding to number of the object users for the group purchasing processing." The Applicant respectfully disagrees and traverses the rejection with an argument. In particular the Examiner asserts this feature is taught by Niki paragraphs 0110-0115 and 0123-128. The paragraphs discuss that a discount is determined after a period of time or when the last user in a group pays. Thus the discount is not determined after each user completes a purchasing procedure. The Examiner does not assert and the Applicant has not found that Morrisroe teaches such a feature. Therefore, the combination of Niki and Morrisroe fail to teach or suggest the features of claim 6.

On pages 12 and 13 of the Office Action, claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as obvious over Niki in view of Morrisroe and in further view of Tiley, U.S. Patent Pub. No. 2001/0032443. Tiley adds nothing with respect to Niki and Morrisroe as regards independent claim 1 or dependent claim 6 as argued above. Therefore Niki, Morrisroe and Tiley taken separately or in combination, fail to teach or suggest the elements of claims 7 and 8.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 101. It is also submitted that claims 1-10 and 12-23 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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